



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation

Biweekly Report—Period Ending April 21, 2001



Omniplex World Services Corp. v. Dept. of Commerce, GSBCA No. 15508-COM

The GSBCA held a teleconference with the parties on April 10. The parties discussed the option of ADR, which respondent ruled out, stating that there do not appear to be any serious factual or legal disputes which would lead to consideration of ADR or even settlement. Respondent expressed its position that there is no evidence (and appellant has failed to produce any in the 2 _ years since it first demanded relief) that appellant even made a mistake, much less that it is entitled to relief.

The parties developed a discovery schedule, with the possibility of brief interrogatories and depositions. Discovery cut-off is August 10, 2001. Another conference call is scheduled for July 31. The GSBCA ordered appellant to file a supplement to the appeal file (if necessary) within the next 30 days. Respondent is currently developing a set of interrogatories and request for admissions, with the intent on issuing the interrogatories by not later than April 20. (Terry H. Lee).

Auklet Charter Services (CO-level Protest)

Protest filed on April 9, challenging the small business status of the prospective awardee. However, protestor appears to acknowledge within his filing that the awardee does not have more than 500 employees. Protestor simply questions the awardee's status as "a legitimate and competitive business in the local Prince William Sound area," in that, *inter alia*, the awardee does not appear to have a telephone listing; and there is a question relative to the awardee's licenses and registrations to do business. The CO is preparing a response. (Terry H. Lee).

Sagging Structures to be Searched

CLDer Mark Langstein has been advising CASC on its contract with UBC Precast to manufacture and install prefabricated storage buildings co-located with selected Weather Forecast Offices. Many of the sixteen structures have sagging roofs and various and sundry water penetration problems. At Mark's suggestion NWS will inspect a sample of the structures to attempt to determine the problems' cause. Depending on the results, if a reasonable fix is not practical NWS might either or both revoke acceptance and terminate the contract for default. In other news, Mark will participate in vendor

presentations in response to the RFI for NCEP's next supercomputing system. The presentations are scheduled to be held the second week in May. Mark has also been busy visiting procurement points with Mike Sade and other folk to listen to field successes/problems/concerns. Having previously attended useful presentations at WASC and CASC, Mark will trek out to AMD and Census next week.

NOAA Weather Radio New Voice

In this acquisition to acquire a more natural computerized voice for NOAA weather radio, four proposals were received. Three have serious defects (late, no signature, incomplete) and the fourth did not bid on the option for Spanish language. We are advising NWS and the Contracting Officer on their options. (Mark Langstein & Susan Truax)

FSL Supercomputer

We reviewed a contract modification under which FSL would receive ownership of the interim upgrade system at the conclusion of the lease payment term and also receive increased technical support in consideration of a change in the hardware to be delivered and further delays in implementing the SAN and other promised features. (Mark Langstein)

CLD "Time to Complete"—3.5 Days

Actions by Contract Law Division during Period from 04/08/2001 04/21/2001

Bureau	Received	Completed
NIST	2	3
NOAA	7	8
Totals	9	11

Contract Law Division—Client Workload
Period Ending 04/21/2001

